

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB75)

Received: **06/08/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise Solie**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Remove expungement

Instructions:

Delete 973.015 provisions

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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06/08/2009

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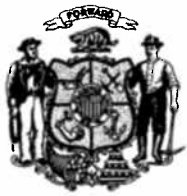
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FOR
GOTTLIEB
DENISE
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Amendments – Non-fiscal Policy
(LFB Summary of AB 75)

Please draft separate assembly amendments to ASA 1 of AB 75 to delete each of the following non-fiscal policy initiatives:

1. ETF: Retirement eligibility for educational support personnel (page 237, #7)
2. ETF: Early retirement creditable service calculations for certain part-time employees (page 238, #8) RAC
3. ERC: Repeal QEO provisions (page 240, # 4 & 5 and page 526, #1) - CMH
4. ERC: Duration of collective bargaining agreements for school district employees (page 241, #6) - CMH
5. ERC: Combining collective bargaining units for school district employees (pages 241, #7) - CMH
6. ERC: Weighting of factors in arbitration awards for school district employees (page 241, #8) CMH
7. ERC: Technical correction to definition of collective bargaining (page 243, #9) CMH
8. Contributory negligence (page 304, #1) RPN
9. Establishment of domestic partnership and related rights and benefits (page 304, #2) PJK
10. City of Milwaukee appropriation obligation bonding authority (page 315, #3) MES
11. INS: Motor Vehicle Insurance - Uninsured, underinsured & medical payment coverage (page 420, #17)
12. INS: Motor Vehicle Insurance - Umbrella & excess liability insurance (page 421, #18) PJK
13. INS: Motor Vehicle Insurance - proof of financial responsibility (page 422, #19)
14. INS: Motor Vehicle Insurance - Prohibited policy provisions (page 422, #20)
15. OSER: Collective bargaining rights UW System faculty & academic staff (pg. 494, #5 and page 661, #23) - CMH
16. Justice: Collection of traffic stop data (page 434, #13) - ARG
17. DWD ERD: Prevailing Wage (page 695, #19) - Gmm
18. Expungement (page 177, #6) - PSH/CMH 50638
19. Children & Families: Child Welfare Alternative Response Pilot (page 141, #8) PJK
20. Health Services: Wisconsin Quality Home Care (page 385, #1) TJD



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1283/P2
PJH:kjf:jf

DOA:.....Silver, BB0322 - Expungement of certain misdemeanors and nonviolent felonies

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, when a person is found guilty of a misdemeanor that the person commits before he or she was 21, the sentencing court may order that the record of the conviction be expunged when the person completes his or her sentence. The court must find that expungement would benefit the person and not harm society and the person may not commit another crime or have his or her probation revoked in order to be eligible for expungement.

Under this bill, a person is eligible to have his or her record of a conviction expunged if the conviction is for a misdemeanor or a nonviolent Class H or Class I felony that was committed before the person reached the age of 25 and the other current requirements for expungement are met.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 973.015 (title) of the statutes is amended to read:

973.015 (title) Misdemeanors, special Special disposition.

SECTION 2. 973.015 (1) (a) of the statutes is amended to read:

973.015 (1) (a) Subject to par. (b) and except as provided in par. (c), when a person is under the age of 21 25 at the time of the commission of an offense for which the person has been found guilty in a court for violation of a law for which the maximum penalty is period of imprisonment for one year or less in the county jail is 6 years, the court may order at the time of sentencing that the record be expunged upon successful completion of the sentence if the court determines the person will benefit and society will not be harmed by this disposition. This subsection does not apply to information maintained by the department of transportation regarding a conviction that is required to be included in a record kept under s. 343.23 (2) (a).

SECTION 3. 973.015 (1) (c) of the statutes is created to read:

973.015 (1) (c) No court may order that a record of a conviction for a Class H or Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm), be expunged.

SECTION 9309. Initial applicability; Circuit Courts

(1) **EXPUNGEMENT.** The treatment of section 973.015 (1) (a) and (c) of the statutes first applies to sentencing orders that occur on the effective date of this subsection.

(END)



State of Wisconsin
2009 – 2010 LEGISLATURE

LRBb0217/1
PJH:jld:jf

LFB:.....Carmichael – Expungement of certain convictions

**FOR 2009-11 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 75**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1642, line 25: after “years” insert “or less”.

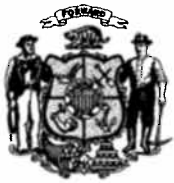
3 **2.** Page 1643, line 6: delete “a Class H” and substitute “any of the following be
4 expunged:”.

5 **3.** Page 1643, line 7: delete lines 7 and 8 and substitute:

6 “1. A Class H felony that is a violent offense, as defined in s. 301.048 (2) (bm),
7 or that is a violation of s. 940.32, 948.03 (2) or (3), or 948.095.

8 2. A Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm), or
9 that is a violation of s. 948.23.”.

10 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBb0638/1

PJH...

kgf

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 75

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 1710, line 21: delete the material beginning with that line and ending
- 3 with page 1711, line 15.
- 4 **2.** Page 1861, line 10: delete lines 10 and 11.
- 5 (END)